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**IN THE UNITED STATES DISTRICT COURT
CENTRAL DIVISION**

MEKHI KAIO,

Plaintiff,

vs.

COSTCO WHOLESALE CORPORATION,
UNKNOWN COSTCO EMPLOYEE,

Defendant.

PETITION FOR REMOVAL

Civil No. 2:22-cv-00614

Judge Ted Stewart

Defendant Costco Wholesale Corporation (“Defendant”), by and through counsel of record, petitions the Court for the removal of the above-entitled action from the Fourth Judicial District Court of Utah County, State of Utah, Ogden Department, Case No. 220401301, to the United States District Court for the District of Utah. A copy of the Notice of Removal filed in the Second Judicial District Court of Weber County, State of Utah, Ogden Department, is attached to this Notice as Exhibit A.

This notice of removal is made pursuant to 28 U.S.C. §§1441 and 1446 and is proper and appropriate based upon the following:

1. On or about September 7, 2022, Plaintiff filed his Complaint in the Fourth Judicial District Court of Utah County, State of Utah, Ogden Department, Case No. 220401301. A true and accurate copy of the Complaint is attached hereto as Exhibit B.

2. In the Complaint, Plaintiff Mekhi Kaio contends that Defendant breached a duty of care owed to Plaintiff by failing to adequately secure the metal object at issue or failed to adequately supervise the area to eliminate safety hazards.

3. Plaintiff claims that Defendant owes payment in an amount that exceeds \$75,000 for injuries sustained when Plaintiff Mekhi Kaio was struck by a metal object that fell from above the fountain machine and hit him in the head and neck.

4. Defendant Costco Wholesale Corporation was served on September 7, 2022, through Corporation Service Company. Attached hereto as Exhibit C is a true and accurate copy of the service of process that was filed with the court.

5. The Plaintiff is a resident of Utah County, State of Utah.

6. The jurisdictional facts set forth above were applicable on the date of filing of the Complaint.

7. Therefore, the Court has jurisdiction of this matter pursuant to 28 U.S.C. §1332, as the amount in controversy exceeds \$75,000, exclusive of interest and costs, and the action is between citizens of different states.

8. This Notice of Removal is filed within thirty (30) days after service of the

Summons and Complaint as required by 28 U.S.C. § 1446(b), and the removal is proper based upon diversity of citizenship of the parties. Therefore, the requirements of 28 U.S.C. § 1441(a) are met.

9. Costco Wholesale Corporation hereby submits as Exhibit D the search results from the Utah Division of Corporations which shows Costco Wholesale Corporation is a foreign corporation with their state of origin as the state of Washington. Costco Wholesale Corporations business address is 999 Lake View Drive, Issaquah, WA 98027.

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DATED September 20, 2022.

STRONG & HANNI

/s/ Kristin A. VanOrman

Kristin A. VanOrman

Jessica J. Johnston

CERTIFICATE OF SERVICE

On September 20, 2022, I served a copy of this **PETITION FOR REMOVAL** by the method below to:

Ricky Shelton
ADAMS DAVIS, P.C.
35 West Broadway, Suite 203
Salt Lake City, UT 84101
Ricky@adamsdavis.com
Attorney for Plaintiff

<input checked="" type="checkbox"/>	Electronic Filing Notification
<input type="checkbox"/>	U.S. Mail, Postage Prepaid
<input type="checkbox"/>	Hand Delivered
<input type="checkbox"/>	Overnight Mail
<input type="checkbox"/>	Facsimile
<input type="checkbox"/>	Email

/s/ Marsha Linker